HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
3 Regency Drive, Suite 204, Bloomfield, CT 06002
Tel: 860-216-5858 Fax: 860-206-8954 Web: www.hbact.org

Your Home Is Our Business

March 9, 2012

To: Senator Steve Cassano, Co-Chairman
Representative Linda M. Gentile, Co-Chairman
Members of the Planning and Development Committee

From: Bill Ethier, Chief Executive Officer

Re: Senate Bill 343, AAC Intervention in Permit Proceedings Pursuant to the Environmental Protection Act of 1971

The HBA of Connecticut is a professional trade association with almost 1,000 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

Delay is the deadliest form of denial. And, opponents of new development know it.

CT's environmental intervention statute, sec. 22a-19, was and is intended to ensure that government agencies and commissions that review development proposals also properly address environmental issues within the jurisdiction of the body. Under this forty-plus year old law, any person or organization can intervene or step into an application or into an appeal of a decision on an application to raise these environmental issues. That is a sound policy on its face.

However, too many times this otherwise good environmental statute has been abused by intervenors to merely delay the final outcome of an application. Without any showing of a shred of evidence to justify the environmental claim, an intervenor can delay for months, even years, the final outcome of a development application. The *abusive* intervenors hope the extra time and costs will wear down the applicant so that they will give up and abandon a project.

In addition, knowing 22a-19 exists and how it has been abused, many developers do not even start certain projects. These potential economic and housing development projects create countless untold lost opportunities for Connecticut. **Section 22a-19 must be amended with reasonable reforms to ensure intervention claims raise only legitimate environmental issues that would otherwise go improperly addressed.**

Therefore, we strongly support SB 343 as a start to put an end to the abuse of an otherwise good intentioned law. We also urge you to add to this bill the substance of last year's SB 1030 (see reverse), which passed P&D unanimously and passed Judiciary 43-2.

Please move SB 343 forward. The language of the bill may not be perfect; more reforms perhaps could be added and existing language adjusted to ensure legitimate interventions are not thwarted. But moving it along to continue discussions on this critical issue is important to CT's future. Thank you for considering our comments on this legislation.

Please add the following to SB 343:

(this was SB 1030 in 2011; passed Judiciary 43-2; passed P&D 20-0; not taken up in Senate)

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-8 of the general statutes is amended by adding subsection (s) as follows (*Effective October 1, 2011*):

(NEW) (s) If the court finds that any appeal taken pursuant to this section was taken without just cause and was taken solely for the purpose of delay, the court shall order the party responsible for taking the appeal to pay to the party injured by such appeal damages, together with costs and a reasonable attorney's fee. Such order shall be in addition to any other remedy or disciplinary action required or permitted by statute or by rules of court.